

¹Defendant indicates that “NCS PINS” is the acronym for North Carolina State Police Information Network and that NLETS is the acronym for the National Law Enforcement Telecommunication System.

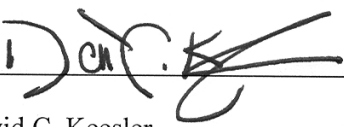
verification of his criminal history, the Court has already entered its Standard Criminal Discovery Order (Document No. 15) providing that the prosecutor shall comply with Rule 16 and provide criminal history information to Defendant. Specifically, the Court's Order provides that: "Defense counsel shall be allowed to inspect and photocopy (or be given photocopies), prior to trial, of the information, reports or objects discoverable under Rule 16(a)(1)(A) through (G) of the Federal Rules of Criminal Procedure." (Document No. 5, p.1, ¶1).

Rule 16(a)(1)(D) sets forth that "Upon a defendant's request, the government must furnish the defendant with a copy of the defendant's prior criminal record that is within the government's possession, custody, or control if the attorney for the government knows – or through due diligence could know – that the record exists." Although the Defendant has not indicated whether he has actually requested this information from the prosecution, the Court observes that this judicial district generally follows an "open file" policy. In other words, this information may already be available to Defendant upon request.

IT IS, THEREFORE, ORDERED that Defendant Edward Wahler's two motions, both entitled "Motion for Copy of PINS NLETS Database" (Document Nos. 42, 57) are **DENIED without prejudice.**

IT IS SO ORDERED.

Signed: January 14, 2009



David C. Keesler
United States Magistrate Judge

